WP(C) 1459/2005
BEFORE
THE HON’BLE MR. JUSTICE B.K. SHARMA

Heard Mr. M. Singh, learned counsel for the petitioner in both the writ petitions. Also heard Ms. P. Bhattacharyya, learned Standing Counsel, Education as well as Mr. S.K. Ghosh, learned counsel representing respondents No. 3 and 4. Both the writ petition pertaining to selection and appointment of Lecturer in Philosophy in Janata College, Kabuganj in the district of Cachar, have been heard together and are being disposed of by this common order.

While in the first writ petition being WP(C) No. 1459/2005, it is the case of the petitioner that while advertising the post, reservation policy was not followed, in the second writ petition i.e. WP(C) No. 1867/2005, it is the case of the petitioner that as he was serving as part-time Lecturer against a non-sanctioned post, his service ought to have been regularised instead of issuing the advertisement for regular appointment.

Although, in the first writ petition, the respondents have not filed any counter affidavit. They have filed counter affidavit in the second writ petition contending that since the petitioners participated in the selection process, they are precluded from challenging the advertisement. It is the stand of the respondents that since the petitioner was appointed purely on temporary basis as a part time Lecturer against a non-sanctioned post, he cannot claim automatic regularisation de hors the recruitment rules.

As regards the claim of the petitioner in WP(C) No. 1459/2005 that reservation policy was not followed and that the post ought to have been reserved for ST(P)/ST(H), in absence of any counter affidavit, the stand of the respondents is not discernible. Be that as it may, since the advertisement was issued in 2005 and selection and appointment has already been made and there is also no stay order operating in this proceeding, I am not inclined to interfere with the advertisement, more particularly, when the selected candidate is not a party to this proceeding.

In view of the above, both the writ petitions stand disposed of providing that the respondents shall consider the grievance of the petitioner in WP(C) No. 1459/2005 in respect of policy of reservation and will follow the rules of reservation in make appointment in future.

There shall be no order as to costs.